

DEVELOPMENT CONTROL COMMITTEE

Minute of Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 12 May 2010 at 9.30am.

Present: Councillors W Wilson, K Lyall, R Band, L Caddell, I Campbell, A Gaunt (substituting for Councillor E Grant), C Gillies (up to and including Art. 272(2)(vii)), A Jack, J Kellas, W Lumsden, M Lyle (up to and including Art. 272(2)(vii)) and H McDonald.

In Attendance: Councillors A Cowan (Art. 272(2)(viii) only) and T Gray; N Brian; A Condliffe, A Fleming, B McNaughton, T Marek, D Niven (up to and including Art. 272(2)(i)) and J Williamson (up to and including Art. 272(2)(iv)) (all the Environment Service); S Sinclair (up to and including Art. 272(2)(i)), G Fogg (up to and including Art. 272(2)(vii)), C Elliott (from Art. 272(2)(viii)) and Y Oliver (all Chief Executive's Service).

Apologies for Absence: Councillors E Grant and S Miller.

Councillor W Wilson, Convener, Presiding.

268. WITHDRAWAL OF APPLICATIONS

The Committee noted that the following applications had been withdrawn from the agenda:

- (i) 08/02368/FLM – FOSSOWAY – Change of agricultural use to form paddock and training track for race horses at land at Middleton Stables, Fossoway (Report 10/217)**
- (ii) 10/00088/FLL – COMRIE – Demolition of existing dwellinghouse and erection of a replacement dwellinghouse at Duncryne, Camp Road, Comrie (Report 10/226)**

269. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

270. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 7 April 2010 (Arts. 201-204) was submitted, approved as a correct record and authorised for signature.

271. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear depositions in relation to planning applications as follows:

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| Planning Application No. | Article No. |
|--------------------------|--------------|
| 09/01162/FLM | 272(1)(i) |
| 09/01163/LBC | 272(1)(ii) |
| 09/00500/FLL | 272(2)(ii) |
| 09/00696/FLL | 272(2)(iii) |
| 09/00849/FLL | 272(2)(iv) |
| 09/01154/FLL | 272(2)(vi) |
| 09/01956/IPL | 272(2)(vii) |
| 09/02004/FLL | 272(2)(viii) |
| 10/00180/FLL | 272(2)(ix) |

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of business.

272. PLANNING APPLICATIONS FOR DETERMINATION

(1) Major Applications

The Committee agreed to conjoin the deputation for applications 09/01162/FLM and 09/01163/LBC.

(i) 09/01162/FLM – KENMORE – Erection of 30 apartments and 24 hotel suites together with new hotel facilities, demolition of 2 existing suites and erection of 4 dwellinghouses all for holiday use, Kenmore Hotel, Kenmore – Newhaven Company – Report 10/215

Mr N Brian, Development Quality Manager, advised the Committee that the last sentence of paragraph 71 of Report 10/215 should read as follows “I therefore have no alternative but to recommend the application for refusal” (not “approval”, as stated in the report).

Mr E Strickland, agent, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors W Wilson and I Campbell) – Refuse, for the reasons contained in Report 10/215.

First Amendment (Councillors K Lyall and W Lumsden) – Refuse, as the proposed development with regard to the four large detached holiday units to the east of the site is contrary to:

- (i) Policies 2(b), 2(c) and 87 of the Highland Area Local Plan 2000.
- (ii) Policies 7, 13 and 14 of the Highland Area Local Plan 2000 and Perth and Kinross Structure Plan 2003 Environment and Resources Policy 9 relating to flood risk, conservation interests and protection of wildlife species.

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3. Within two months of approval of this application, detailed plans of soft and hard landscape works for the garden ground of the site shall be submitted to and approved in writing by the Planning Authority. This shall include planting plans detailing retained and new planting, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, as well as details of hard surfacing materials. The planting plans should specifically strengthen the boundaries of the site to provide a private amenity space for the residents of the dwellinghouse. Thereafter the approved scheme shall be implemented all to the reasonable satisfaction of the Planning Authority within two months of approval unless otherwise agreed in writing.
4. Any plants or trees associated with condition 3 (above) are removed or become seriously damaged or diseased, within a period of five years from the implementation of the landscape scheme, shall be replaced in the next planting season with others of a similar size and species.
5. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2, 3 and Part 2, Class 7 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected in the curtilage of the dwelling.

Justification

It is considered the change of use to provide essential workers' accommodation in connection with the race horse stables is justified and complies with the provisions of the Development Plan as well as the revised Housing in the Countryside Policy August 2009. Taking this into account, there are no material considerations which would justify refusing the application.

Procedural Notes

Consent not to be issued until a Section 75 Agreement has been completed and signed in respect of the following issues:

1. An Education Contribution of £6,395.
2. Restriction of the occupancy of the essential workers' dwelling to a person solely or last employed locally in the racehorse facility/business at Middleton Stables, Fossoway; or a dependant of such a person residing with him or her (but including a widow or widower of such a person).

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Informative

The Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth must be consulted regarding a new postal address.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(ii) 09/00500/FLL – CLEISH – Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses at Boreland Farm, Cleish – Cocklaw Developments – Report 10/219

Mr K Thomson, applicant, and Mr A Whitehead, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Where shown, all new roofs shall be clad in natural slate in accordance with details which shall previously have been submitted to and approved in writing by the local Planning Authority prior to the commencement of site works.
4. All new external doors and windows shall be first constructed and thereafter maintained in timber, with a painted finish.
5. Prior to the commencement of site works, details of the height, design, and proposed materials of finish of all new enclosures to site boundaries shall be submitted to and approved in writing by the local Planning Authority. The completed development shall strictly accord with those details approved.
6. Stone duntakings from demolition work within the site shall be salvaged and re-used as a facing material to the new dwelling on Plot 1 and, where shown on the submitted plans, to new boundary walls. All new stonework shall be laid in a traditional manner on its natural bed without cut faces showing.
7. Prior to the commencement of development, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the local Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, and the scheme as approved shall

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- be carried out and completed within six months of the occupation of the first house. Any tree, plant or shrub which, within a period of five years from planting dies or becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the local Planning Authority.
8. The vehicular access to the steading unit shall be formed in accordance with the Council's Road Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority, prior to the occupation of any of the new dwelling units.
 9. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged on to the public road.
 10. Prior to the commencement of development a detailed ground investigation and reclamation statement shall be submitted to and approved in writing by the local Planning Authority. The assessment shall be restricted to those areas that will form garden grounds unless the investigation identifies the requirement to assess ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British standards. Any necessary works of remediation shall be implemented in accordance with the approved reclamation statement prior to the new dwellings being first occupied.
 11. Major site preparation work such as demolition of buildings, removal of roofs or trees/shrub clearance must be undertaken outwith the bird breeding season (i.e. not between 1 March and 31 August). If this is not possible, a survey must be undertaken to confirm that there are no nesting birds present. The survey should be carried out by an Environmental Consultant or other suitably experienced ornithologist, must be undertaken prior to any work commencing on the site, and the completed survey shall be submitted for consideration to the Council as Planning Authority prior to the commencement of site works.
 12. Prior to any new dwelling hereby approved being first occupied the mitigation measures identified on page 14 of the submitted bat report (November 2009) shall have been carried out fully in accordance with details which shall previously have been submitted to and approved in writing by the local Planning Authority. The approved bat boxes shall remain in place at all times thereafter and maintained free of obstruction.

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13. Prior to the occupation of any of the new dwellinghouses a barn owl nest box and ledge shall have been incorporated into the development in accordance with details which shall previously have been submitted to and approved in writing by the Council as Planning Authority.
14. Prior to the occupation of any new dwelling hereby approved the works of upgrade to foul drainage facilities serving Boreland House, Smiddy House and Boreland Farm Cottage shall have been installed to the satisfaction of the Council as Planning Authority.

Justification

The development is considered to accord with the Development Plan and the Council's Housing in the Countryside Policy 2005 and there are no material considerations which justify a departure therefrom.

Procedural Notes

No consent shall be issued until a Section 75 legal agreement is signed for the delivery and long term maintenance of the phosphate treatment plant; and payment of a commuted sum of £66,630 for the delivery of affordable housing and educational infrastructure.

Informatives

1. In terms of Section 56 of the Roads (Scotland) Act 1984 the applicant must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth must be consulted regarding a new postal address.
4. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
5. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning

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(Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(iii) 09/00696/FLL – KINROSS – Erection of a dwellinghouse and associated works at Wester Balgedie Farm, Kinross – Mr and Mrs Sloan – Report 10/220

Mr M Smith, agent, and Mr Sloan, applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development. For the avoidance of doubt, the use of natural materials is required in the development.
4. Development should not begin until the applicant or their agent has submitted to and have had approved in writing by the Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to assess the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British Standards.
5. A fully detailed landscaping plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted and approved in writing by the Planning Authority before work is commenced on site. The scheme as approved shall be fully implemented during the first planting season following commencement of works on site, unless otherwise agreed in writing.
6. The occupation of the dwellinghouse shall be restricted to a person solely or last employed locally in agriculture at Wester Balgedie Farm as defined in Section 277(1) of the

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Town and Country Planning (Scotland) Act 1997 or a dependant of such a person residing with him or her (but including a widow or widower of such a person).

Justification

The proposal is considered to comply with the Development Plan and the Council's Housing in the Countryside Policy 2009 and there are no other material considerations that would justify a departure therefrom.

Procedural Note

Consent shall not be issued until a Section 75 Agreement has been completed and signed by the applicant in order to secure the ownership and maintenance of a sewage treatment plant which is suitable to mitigate phosphate discharge to the Loch Leven Catchment Area.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. In terms of Section 56 of the Roads (Scotland) Act 1984 the applicant must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. A Controlled Activities Regulations (CAR) application is required by the applicant, and contact by the applicant should be made with the Scottish Environment Protection Agency at an early date to establish the requirements for this application.

- (iv) **09/00849/FLL – KENMORE – Erection of a replacement building incorporating a boating centre, water sports facility, yacht club (including restaurant and bar) and formation of associated car parking at Loch Tay Boating Centre, Pier Road, Kenmore – Mr Stephen Thomas – Report 10/221**

Mr J Wolnough, applicant, and Mr A Walker, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the commencement of construction, a full detailed construction method statement, giving details of measures to prevent harmful materials entering the River Tay Special Area of Conservation (SAC) shall be submitted and agreed in writing by the Council as Planning Authority. The details shall include:
 - **Pollution prevention safeguards**, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, their locations, operation and management.
 - **Storage and disposal of materials**, including the siting of stock piles, use of buffer strips and disposal methods.
 - **Construction site facilities**, including extent and location of construction site huts, vehicles, equipment and materials compound.
 - **Timing, duration and phasing of construction**, particularly in relation to salmon and lamprey migration/spawning.
4. The development shall be connected to the mains drainage network and no occupation or use of the development shall occur until the applicant has demonstrated that a connection to Scottish Water assets has been agreed by Scottish Water. No private drainage system is permitted.
5. All possible sources of pollution, including the storage of oils, fuels or chemicals at the boating centre shall be raised above flood levels, i.e. above 110.58m AOD (Above Ordnance Datum) to prevent accidental spillage or displacement into the water environment during a flood event.

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6. The soundproofing of the boating centre/yacht clubhouse and the control of all amplified sound shall be such that no amplified or otherwise sound shall be audible in any residential property.
7. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained within the boating centre/yacht clubhouse such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
8. All plant equipment including ventilation systems shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 07.00 and 23.00hours, or Noise Rating 20 between 23.00 and 07.00 hours daily, within nearby residential property with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
9. All lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
10. No form of public entertainment (including music amplified or otherwise) shall be permitted outside on the balcony areas and effort must be made to minimise the impact of noise from inside the premises.
11. The balcony area shall be restricted to the hours of operation 10.00 to 21.00hrs daily and at no other time.
12. The boat building and repair facility shall be restricted to the hours of operation 08.00hrs to 17.00hrs Monday to Friday and no workings on a Saturday and Sunday.
13. The hours of operation for the boating centre shall be restricted to Monday to Sunday 09.00- 19.30 hours, last vessel returned by 19.00 hours.
14. The hours of operation for the Sailing Club shall be restricted to Sundays and Thursdays 09.00 – 21.00hrs and no more than 6 Regattas per season (March 31 to October 31), unless otherwise agreed in writing with the Planning Authority.
15. All the existing trees on the site shall be retained and protected to the satisfaction of the Planning Authority. The removal of any trees from the site shall be agreed in writing with the Council as Planning Authority prior to the commencement of the development. All works shall adhere to British Standard *BS 5837 2005 - Trees in Relation to Construction* to the satisfaction of the Council as Planning Authority.
16. A minimum of fifteen off-street parking spaces shall be provided within the site prior to the occupation or use of the approved development. Details of the proposed car parking layout shall be submitted for the approval of the

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Council as Planning Authority prior to the commencement of work on site or as may otherwise be agreed in writing with the Planning Authority.

17. Prior to the occupation or use of the approved development all matters regarding the means of access to the site from the public road, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
18. No power boating or jet skis are permitted from the development site other than designated rescue boats to the satisfaction of the Council as Planning Authority.
19. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 6 cycles shall be provided within the curtilage of the site adjacent to the development.

Justification

The proposal is considered to comply with the contents of the Development Plan and no material considerations are apparent which would outweigh the contents of the Development Plan.

Informatives

1. In terms of Section 56 of the Roads (Scotland) Act 1984 the applicant must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
2. The granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to the Scottish Water Planning and Development Services' team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. This consent relates solely to the erection of a new boating centre on the site. The demolition of the existing boating centre requires Conservation Area Consent. No demolition should occur until this consent has been received.
5. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section

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123(1) of that Act, which may result in enforcement action being taken.

6. This development will require the *Display of notice while development is carried out*, under Section 27C(1) of the Town and Country Planning (Scotland) Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 7 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(v) 09/00845/CON – KENMORE – Demolition of existing boating centre at Loch Tay Boating Centre, Pier Road, Kenmore – Mr Stephen Thomas – Report 10/222

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. This permission relates solely to the demolition of the existing boathouse. No consent is granted here for the erection of any replacement building which is subject to a separate full planning application (ref: 09/00849/FLL).

Justification

The proposal is considered to comply with the contents of the Development Plan and no material considerations are apparent which would outweigh the contents of the Development Plan.

Procedural Note

This application requires to be referred to Historic Scotland for clearance prior to any decision being issued.

(vi) 09/01154/FLL – CLEISH – Erection of 3 dwellinghouses at Woodlands, Nivingston House, Cleish – Nivingston House Ltd – Report 10/223

Mr K McFarlane, agent on behalf of the applicant, and Mr C Culley, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

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Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
4. Prior to the occupation or the use of the approved development the vehicular access shall be formed in accordance with the Council's Roads Development Guide Type c Figure 5.7 access detail to the satisfaction of the Council as Planning Authority.
5. Prior to the occupation or use of the approved development the public road over a length of 6.00 metres immediately adjacent to the access shall be widened to a minimum of 5.00 metres.
6. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
7. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
8. Prior to the occupation or use of the approved development a minimum of two car parking spaces per dwelling shall be provided within the site.
9. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
10. A fully detailed landscaping plan, including details of all hard and soft surface and boundary treatments and all planting shall be submitted and approved in writing by the Planning Authority before work is commenced on site.
11. No trees on the site shall be felled, apart from those shown on the approved plan, without the prior written approval of the Planning Authority.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

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Procedural Notes

1. Consent shall not be issued until a Section 75 Agreement has been completed and signed by the applicant in order to secure the ownership and maintenance of a sewage treatment plant which is suitable to mitigate phosphate discharge to the Loch Leven Catchment Area.
2. Prior to the issue of consent the applicant shall provide a financial contribution of £18,315 towards the provision of additional accommodation at Cleish Primary School or enter into a suitable legal agreement for deferral of this payment.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. In terms of Section 56 of the Roads (Scotland) Act 1984 the applicant must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with the Scottish Environment Protection Agency at an early date to establish the requirements for this application.
6. The existing buildings may contain habitats of protected species such as barn owls. The applicant should note that these are protected by separate legislation and should contact the Royal Society for the Protection of Birds (RSPB) or Scottish Natural Heritage (SNH) regarding this.

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(vii) 09/01956/IPL – AUCHTERARDER – Erection of 11 dwellinghouses and formation of associated road (in principle), on land to the North East of Geddochie, Abbey Road, Auchterarder – Mr Michael Hally – Report 10/224

Mr Jamieson, architect, on behalf of the applicant, and Mr Hally, owner, together with Mr A Gordon, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of three years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of six months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed.
2. The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
3. The submission of detailed landscaping proposals referred to in Condition 2 shall include a detailed landscaping plan and planting scheme for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme as subsequently approved shall be implemented during the first planting season as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

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4. The indicative site layout and drainage design, including the number of units, is not approved.
5. The site layout shall be designed in accordance with the *Scottish Planning Policy for Scotland, Designing Streets* to the standard and specification required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
6. Prior to the occupation or use of the approved development all matters regarding access, car parking, secure cycle storage, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
7. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
8. The recommendations of the Tree Survey dated 23/11/2008 shall be implemented prior to the commencement of any development on-site and a further detailed assessment of the trees listed on Table 2, page 8 of the survey shall be undertaken prior to the commencement of any development on site.
9. Development shall not begin until a scheme to assess and deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - (i) the nature, extent and type(s) of contamination on the site
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - (iii) measures to deal with contamination during construction works
 - (iv) condition of the site on completion of decontamination measures.Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the scheme's proposals have been fully implemented must be submitted to the Planning Authority.
10. The development shall be in accordance with the Council's Affordable Housing Policy approved in August 2005 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
11. The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.

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12. The development shall be in accordance with the requirements of the Council's A9 Auchterarder – Developers' Contributions Policy – all to the satisfaction of the Council as Planning Authority.

Justification

The proposal is considered to comply with the Development Plan and there are no material considerations which would justify a departure in this instance.

Informatives

1. In terms of Section 21 of the Roads (Scotland) Act 1984 the applicant must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
2. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

FOLLOWING ADJOURNMENT FOR LUNCH, THE COMMITTEE RECONVENED.

- (viii) **09/02004/FLL – GILMERTON – Erection of 3 dwellinghouses, garages and formation of a new access road, Craigewan Farm, Cultoquhey, Gilmerton – Craigeuan and Partners – Report 10/225**

Mr S Cooper, agent on behalf of the applicant, and Ms I M M Crichton and Mr D Parker, both objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any Order revoking and re-

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- enacting that Order, shall be erected in the curtilages of the dwellinghouses hereby approved.
4. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
 5. A detailed schedule of all boundary treatments within the site, and including the proposed access track boundaries, shall be submitted for the further approval of the Council as Planning Authority, prior to the commencement of works on site. The scheme as subsequently approved shall be implemented as part of the permission. For clarification, all boundaries internal to the site shall be post and wire fences or hedges of appropriate native species.
 6. Prior to the completion or bringing into use of any of the dwellinghouses hereby approved, the private access track located within the walled garden area shall be finished in gravel to the satisfaction of the Council as Planning Authority and thereafter maintained as such.
 7. The root spread of the trees located outwith but overhanging the application site to the eastern boundary must be protected within the application site by stout fencing (minimum 1.2 metres high and 2.4 metres high in an intensive area of construction) enclosing an area to protect the ground and roots beneath the full canopy spread as described in BS 5837: 2005, *Trees In Relation To Construction*. Such fencing must be erected before any materials or machinery are brought on the site, and before the erection of site huts has commenced. Erected fences shall not be removed or altered without prior consultation with the Council as Planning Authority. If temporary vehicle access is required through the protected area, a reinforced concrete slab or similar protection shall be laid over the existing soil surface to the satisfaction of the Council as Planning Authority.
 8. The brick walls of the walled garden shall be fully retained and maintained until the use of the associated dwellinghouses hereby approved ceases, to the satisfaction of the Council as Planning Authority.
 9. Prior to the occupation or bringing into use of any of the dwellinghouses hereby approved, the vehicular access shall be formed in accordance with the Council's Roads Development Guide Type C figure 5.7 access detail to the satisfaction of the Council as Planning Authority. The access shall be constructed so that no surface water is discharged to the public road.
 10. Prior to the occupation or bringing into use of any of the dwellinghouses hereby approved, the site shall be served

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by a private access which shall be provided with intervisible passing places at approximately 100 metre centres. The access shall be provided with a bound surface to the satisfaction of the Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Procedural Note

Planning consent shall not be issued until a Section 75 Agreement has been signed or a payment made upfront in respect of the following issue:

An Education Contribution of £6105 per unit (£18,315) in line with Planning Guidance Note – Primary Education and New Housing Development May 2009.

Informatives

1. The applicant is advised that the application site lies close to the approved route for the Beauly-Denny Overhead Power Transmission Line Replacement.
2. The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. In terms of Section 56 of the Roads (Scotland) Act 1984 the applicant must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
6. This development will require the *Display of notice while development is carried out*, under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations. According to Regulation 38 the notice must be:

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- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
7. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(ix) 10/00180/FLL – STRATHTAY – Erection of 2 dwellinghouses with garages, site South West of Greenbank, Strathtay – Mr Jason Rose – Report 10/227

Mr I Gaul, agent on behalf of the applicant, together with Ms M Hansson, Grandtully Strathtay Conservation Trust, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors K Lyall and I Campbell) – Refuse, as the proposed development is contrary to:

- (i) The Highland Area Local Plan 2000, Policies 87 and 96 in that it would be detrimental to the visual amenity of the area and to the Conservation Area due to the removal of trees at the knoll to form the access to the site;
- (ii) The Highland Area Local Plan 2000, Policies 87 and 96 in that the access road layout is inappropriate; and
- (iii) The Highland Area Local Plan 2000, Policy 96 in that the building line of the houses is not in keeping with the Conservation Area.

Amendment (Councillors J Kellas and L Caddell) – Grant, subject to the following conditions:

- 1. The development shall be begun within a period of three years from the date of this consent.**
- 2. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 3. Prior to the completion or bringing into use of either dwellinghouse hereby approved, the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.**
- 4. The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water shall be discharged to the public road.**

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5. Prior to the completion or bringing into use of either dwellinghouse hereby approved, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
6. Prior to the completion or bringing into use of either dwellinghouse hereby approved, a minimum of two car parking spaces per dwellinghouse shall be provided within each plot.
7. Prior to the completion or bringing into use of either dwellinghouse hereby approved, full visibility splays of 2 metres by 60 metres shall be provided to the right and left of the access measured between points 1 metre above the adjacent road channel level, unless otherwise agreed in writing with the Council as Planning Authority.
8. Prior to the commencement of construction works on site, colour samples of the wet dash render finish, the natural stone and the natural slate roof shall be submitted to the Council as Planning Authority for further written agreement. The finishes as subsequently approved shall be implemented as part of the permission.
9. All windows and doors shall be constructed from timber, to the satisfaction of the Council as Planning Authority.
10. Prior to the commencement of any works on-site, a detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with the Planning Authority.
11. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
12. Prior to the commencement of any works on site, a scheme for surface water run off attenuation (SUDs scheme) shall be submitted to the Council as Planning Authority for further agreement. The scheme as subsequently agreed shall be implemented as part of the permission.
13. The pumping station shall be designed, constructed and be so enclosed, attenuated and/or maintained that any such noise therefrom shall not exceed Noise Rating 35 between 07.00 and 23.00 hours daily, or Noise Rating 20 between 23.00 and 07.00 hours daily,

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within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on a Noise Rating (NR) curve chart.

Amendment – 6 votes

Motion – 4 votes

Resolved:

In accordance with the Amendment.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Procedural Note

Planning consent shall not be issued until a Section 75 Agreement has been signed or a payment made upfront in respect of the following issue:

An Education Contribution of £6105 per unit (£12,210) in line with Planning Guidance Note – Primary Education and New Housing Development May 2009.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

(3) Applications with Council Interest

- (i) 10/00451/FLL – BALLINLUIG – Formation of a recycling point and erection of an information board, land 50 metres South of 16 St Cedd's Road, Ballinluig – Perth and Kinross Council– Report 10/228**

Resolved:

Grant, subject to the following conditions:

1. The development shall be begun within a period of three years from the date of this consent.

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2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the development hereby approved being brought into use, a close-boarded screen fence with a minimum mass per unit area of 15kg/m² shall be erected at the rear and the ends of the recycling point. The height of the fence shall be such that the line of sight from nearby dwellinghouses to the recycling point is broken. Furthermore, the fence shall be painted a dark recessive colour, to the satisfaction of the Council as Planning Authority.
4. The hours of servicing of the recycling point shall be restricted to between 08.00 hours and 19.00 hours, Monday to Friday unless otherwise agreed in writing by the Council as Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the *Display of notice while development is carried out*, under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

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